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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 6389

FRIENDS OF CLIFF STEARNS AND

KATHLEEN BALBONI,

AS TREASURER

EXPERIAN NORTH AMERICA, INC. PAC

AND ANTHONY REEVES, AS TREASURER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

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FEDERAL ELECTION
COMMISSION
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GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System ("EPS"), the Commission uses formal scoring criteria to allocate its resources and decide which cases to pursue. These criteria include, but are not limited to, an assessment of (1) the gravity of the alleged violation, both with respect to the type of activity and the amount in violation, (2) the apparent impact the alleged violation may have had on the electoral process, (3) the legal complexity of issues raised in the case, (4) recent trends in potential violations of the Act, and (5) development of the law with respect to certain subject matters. It is the Commission's policy that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss certain cases, or in certain cases where there are no facts to support the allegations, to make no reason to believe findings. For the reasons set forth below, this Office recommends that the Commission make no reason to believe findings in MUR 6389.

In this matter, the complainant, Steve Schonberg,¹ states that respondent Experian North America, Inc. PAC and Anthony Reeves, in his official capacity as treasurer ("Experian PAC"), made two \$5,000 contributions to respondent Friends of Cliff Stearns and Kathleen Balboni, in her official capacity as treasurer ("Committee"), on March 25, 2010, and made two additional \$1,500 contributions, both on April 23, 2010, to the Committee, for a total of \$13,000 in contributions. The

¹ Mr. Schonberg was an unsuccessful candidate for Congress from Florida's 6th Congressional District.

1 complainant maintains that Experian PAC violated 2 U.S.C. § 441a(a)(2)(A) by contributing in
2 excess of \$5,000 to the Committee per election cycle, and that the Committee likewise violated
3 2 U.S.C. § 441a(f) by accepting excessive contributions from Experian PAC. Appended to the
4 complaint is a table setting out the date each contribution was allegedly received by the Committee,
5 the amount of the contribution, and the FEC image number for the page on which the contribution
6 appears in Experian PAC's disclosure reports.

7 In their respective responses, the Committee and Experian PAC explain that the latter made
8 only two contributions totaling \$6,500 to the Committee—a \$5,000 contribution on March 25,
9 2010, which was designated for the primary election, and a \$1,500 contribution on April 23, 2010,
10 which was designated for the general election. Experian PAC, which also supplied copies of the
11 two contribution checks, states that it amended its April 2010 and May 2010 monthly fec disclosure
12 reports, which listed the contributions at issue. Thus, Experian PAC's \$5,000 contribution to the
13 Committee made on March 25, 2010 was originally disclosed in Experian PAC's April 20th report,
14 which was filed on April 14, 2010. The same contribution was reported again on Experian PAC's
15 amended April 20th report, which was filed on April 24, 2010. As for the subsequent \$1,500
16 contribution to the Committee, Experian PAC originally disclosed it on its May 20th report, which
17 was filed on May 14, 2010, and again on its amended May 20th report, which was filed on
18 September 20, 2010.

19 It appears that the complainant double-counted Experian PAC's contributions to the
20 Committee and that the contributions were not, in fact, excessive.² Therefore, this Office
21 recommends that the Commission find no reason to believe that Experian North America, Inc. PAC

² This is the second matter considered by the Commission involving the complainant, the respondent Committee, and allegedly excessive contributions. In the previous matter, MUR 6255, the complainant alleged that the Committee had accepted an excessive contribution in the amount of \$7,500 from a multicandidate political committee. In response, the Committee explained that \$5,000 of the contribution had been designated for the primary election and \$2,500 had been designated for the general election, in compliance with 2 U.S.C. § 441a(a)(2)(A), which permits contributions from multicandidate political committees of up to \$5,000 per election cycle. Accordingly, the Commission made no reason to believe findings in MUR 6255.

and Anthony Reeves, in his official capacity as treasurer, violated § 441a(a)(2)(A) or that Friends of Cliff Stearns and Kathleen Balboni, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f).

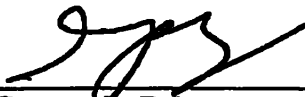
RECOMMENDATIONS

1. Find no reason to believe that Experian North America, Inc. PAC and Anthony Reeves, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Find no reason to believe that Friends of Cliff Stearns and Kathleen Balboni, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f).
3. Close the file and send the appropriate letters.

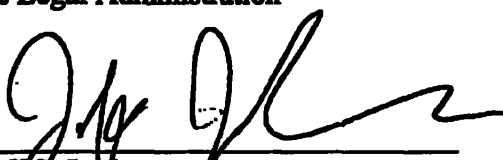
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